

**DISTRICT OF COLUMBIA
DOH OFFICE OF ADJUDICATION AND HEARINGS**

MARIA NARANJO
Petitioner,

v.

WASHINGTON HOME AND
HOSPICE OF WASHINGTON
Respondent

Case No.: C-02-80115

FINAL ORDER

On August 8, 2002, Petitioner, Maria Naranjo, acting through her daughters Eva Naranjo and Martha Aspron, filed a request for a hearing to contest her involuntary relocation within the Washington Home and Hospice Center of Washington (the “facility”). The facility proposed to move Ms. Naranjo to a new room on August 12, 2002. In a written notice to Ms. Naranjo and her daughters, the facility gave the following reason for the proposed relocation: “Ms. Naranjo no longer needs the special secure nature of unit 2A.” The filing of the hearing request stayed the proposed relocation. D.C. Official Code § 44-1003.02(a)(3).

The parties appeared for a scheduled telephone status conference on August 12, 2002. The order scheduling the conference provided that one of the issues to be discussed at the conference was whether the facility’s notice complied with D.C. Official Code § 44-1003.02(d)(1), which requires a discharge or relocation notice to contain:

[t]he specific reason(s), stated in detail and not in conclusory language, for the proposed discharge, transfer or relocation.

After consideration of the relocation notice and the arguments of the parties, I conclude that the notice does not comply with § 44-1003.02(d)(1). The notice does not state *why* Ms. Naranjo “no longer needs the special secure nature” of the unit where she now resides. Absent any statement of reasons for the facility’s belief that Ms. Naranjo’s needs have changed, the facility has failed to follow the statutory command that it supply “specific” reasons “in detail and not in conclusory language.” An overly lengthy statement of reasons is not necessarily required. At a minimum, however, the facility’s statement needed to explain how Ms. Naranjo’s situation has changed. *Cf. Greater Boston Television Corp. v. FCC*, 444 F.2d 841, 852 (D.C. Cir. 1970) (agency changing its policy or precedent must “supply a reasoned analysis” for the change; insufficiently detailed discussion “may cross the line from the tolerably terse to the intolerably mute”). Because the notice contains only the bare conclusion that Ms. Naranjo does not need to be in the unit where she now resides, it is insufficiently detailed to meet the standards of § 44-1003.02(d)(1).

Accordingly, it is, this ____ day of _____, 2002:

ORDERED, that the relocation notice issued by Respondent Washington Home and Hospice of Washington to Petitioner Maria Naranjo informing her of a relocation effective August 12, 2002, does not comply with D.C. Official Code § 44-1003.02(d)(1), and Respondent may not relocate Ms. Naranjo based upon that notice; and it is further

ORDERED, that this Order does not prohibit Respondent from attempting to relocate Ms. Naranjo by issuing a new relocation notice that complies in all respects with D.C. Official

Code § 44-1003.02, nor does this Order prohibit Ms. Naranjo or her representatives from requesting a hearing to challenge any such relocation.

/s/ 08/13/02

John P. Dean
Administrative Judge